

Article - Health Occupations

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§12-315.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 12-313 of this subtitle or § 12-6B-09 of this title, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) The hearing notice to be given to the individual shall be sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of the individual at least 20 days before the hearing.

(d) The individual may be represented at the hearing by counsel.

(e) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(f) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(g) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(h) The hearing of charges against a person may not be stayed or challenged by procedural defects alleged to have occurred prior to filing of the charges.

(i) (1) This subsection does not apply to a civil action brought by a party to a proceeding before the Board who claims to be aggrieved by the decision of the Board.

(2) Except by the express stipulation and consent of all parties to a proceeding before the Board or any of its investigatory bodies, in a civil or criminal action:

(i) The proceedings, records, or files of the Board or any of its investigatory bodies are not discoverable and are not admissible in evidence; and

(ii) Any order passed by the Board is not admissible in evidence.

(3) If any medical or hospital record or any other exhibit is subpoenaed and otherwise is admissible in evidence, the use of that record or exhibit in a proceeding before the Board or any of its investigatory bodies does not prevent its production in any other proceeding.

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